IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18/06/2007

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THE HON'BLE MR. JUSTICE R.REGUPATHI

Crl. O.P. Nos.15603 and 16002 of 2007

ORDER

The petitioners/A-1 and A-2 in Crl.O.P.No.15603 of 2007 and the petitioners/A-3 to A-8 in Crl.O.P.No.16002 of 2007 pray for the grant of anticipatory bail under Section 438 of Cr.P.C., subject to the conditions mentioned therein, in Crime No. 277 of 2007 pending investigation for offences punishable under Sections 294(b), 306 and 511 IPC. on the file of the respondent police.

2. The petitioners in Crl.O.P.No.15603 of 2007 are Correspondent and Chairman respectively and the petitioners in Crl.O.P.No.16002 of 2007 are the staff members of 'Jayashanthi Teachers Training Institute, Bhavani'. Students were admitted for one year course of Teacher Training on completion of their school education, after receiving donation and educational fees. In the instant case in Crime No.277 of 2007, the petitioners are alleged to have received Rs.37,000/- towards educational fees and Rs.1,10,000/- towards donation from the complainant. But the complainant was not issued with hall ticket to sit for the examination along with other students and when it was verified with the accused, it was stated that they have got recognition only for 50 students. High Court has been approached for recognition of additional 52 students and further, when the complainant questioned regarding the authority of the petitioners admitting them without receiving proper recognition for their institution and for receiving a huge amount in the name of donation and educational fees, there was a wordy quarrel between the petitioners and the de facto complainant. The de facto complainant and her father were abused in filthy language and unable to bear such torture, the de facto complainant is alleged to have consumed sleeping tablets. She has been admitted in the hospital and saved.

3. The learned counsel for the petitioner submits that Jayashanthi Teacher Training Institute is a recognised institution. Though 50 students are eligible to be admitted, they have admitted 52 students more for the year 2005-2006. For recognising such admission and for allowing those students to sit for examination, writ petitions have been filed and after hearing the submissions made by the Government Advocate, orders have been passed to conduct supplementary examination for those students. Under such circumstances, the de facto complainant was quarelling with the petitioners. Since they are willing to co-operate with the investigation, seek for grant of anticipatory bail.

4. Per contra, the learned Government Advocate submits that prior to the registration of the present case on 26.05.2007, a case has been registered on 21.12.2006 on the strength of a complaint given by another student in Crime No.554 of 2006 for the offence punishable Under Sections 120-B, 420, 342 and 506(ii) IPC. It has been stated in that complaint that the petitioners have admitted 52 students over and above the permissible limits and collected donation of Rs.67,20,000/- and in the name of fees, Rs.15,75,000/-. It is alleged that the petitioners are knowing fully well that the they do not have any capacity in the institution to admit more, dishonestly received money from 52 persons

and committed cheating. Under such background and circumstance, the second case in Crime No.277 of 2007 has been registered against the petitioners. It is further submitted by the learned Government Advocate (Crl.Side) that admission to additional students by the petitioners is arbitrary on their part and they have created hopes in the minds of the young students after receiving donation. It is further submitted that even after registration of these two cases, the petitioners have given advertisements in a daily, by name, 'Kalaikadir' dated 18.05.2007 to the effect that 100 students will be admitted for the year 2007-2008, though there is no such permission given by the Government to admit additional students.

5. I have perused the materials available on record. These two Crl.O.Ps. were filed on 04.06.2007 and 05.06.2007 respectively and they have been listed for hearing on 07.06.2007 and 08.06.2007 respectively. After hearing initial argument, for the purpose of filing typed set, both the petitions have been adjourned to 11.06.2007 for further argument. Argument has been advanced by the learned counsel for the petitioner in detail and in view of the seriousness of the case, the counsel for the petitioners sought for grant of adjournment to receive further instructions from their clients in this regard. When the cases were posted on 13.06.2007, endorsements have been made without seeking permission from this Court for withdrawing both the petitions as not pressed. Both the petitions have been posted today for clarification.

6. It has been reported by the learned counsel for the petitioners that a quash petition has been filed on 12.06.2007 on behalf of all the accused and interim stay has been passed in Crl.M.P.No.1 of 2007 in Crl.O.P.No.16876 of 2007.

7. In the meantime, the learned Government Advocate (Crl.Side) submits that the 6th petitioner in Crl.O.P.No.16002 of 2007 was arrested on 05.06.2007.

8. I have perused the materials available on record. By looking at the seriousness of the case on hand in Crime No.277 of 2007, I am of the considered opinion that the petitioners in both the petitions are not entitled for grant of anticipatory bail. When the argument was heard on 11.06.2007, it appears that the petitioner entertained an apprehension that he may not get the relief prayed for and therefore, approached this Court by way of filing a quash petition and an order of interim stay has been granted. The counsel for the petitioner would have intimated this to this Court on 13.06.2007 before making such endorsements to withdraw the petitions. It appears that the counsel has taken away the bundles from the Court Officer and made endorsements without the knowledge of this Court. Without further discussing any more, the conduct of the petitioners and their counsels, on consideration of the seriousness of the facts and circumstances of the present cases and the involvement of the petitioners in the earlier case in Crime No.554 of 2006 dated 21.12.2006 and further the conduct of the petitioners in advertising for admission of more students in the institution, I am of the considered view that the petitioners are not entitled for the benevolent provisions of the grant of anticipatory bail. Therefore, the petitions are dismissed.

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[PRV/10696]